

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY GIBSON,	:	CIVIL ACTION NO. 1:20-CV-1890
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
PENN WASTE,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 30th day of December, 2020, upon consideration of the report (Doc. 6) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court dismiss the above-captioned action *sua sponte* for lack of subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), and it appearing that Judge Saporito issued a show-cause order tasking plaintiff to show cause no later than Friday, November 27, 2020, why this action should not be dismissed for lack of subject-matter jurisdiction, (see Doc. 4), and that plaintiff failed to respond to the show-cause order, (see Doc. 6 at 1), and it further appearing that plaintiff failed to object to Judge Saporito’s recommendation of dismissal, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879),

in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court agreeing fully with Judge Saporito’s analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. Magistrate Judge Saporito’s report (Doc. 6) is ADOPTED.
2. Plaintiff’s complaint (Doc. 1) is DISMISSED for lack of subject-matter jurisdiction.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania